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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,718	09/10/1999	FARZAD NAZEM	17887-3-1US	3195

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EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/393,718	NAZEM ET AL.
Examiner	Art Unit	
Cindy Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 September 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 September 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This is in response to amendment filed 9/16/02.

### ***1. Specification***

The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing printout of more than three hundred lines must be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)). Accordingly, applicant is required to cancel the computer program listing appearing in the specification on pages 12-22, file a computer program listing appendix on compact disc in compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

There are more than 300 lines of a computer program listing appendix on pages 12-22 of specification. Correct is request.

### ***2. Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**3. Claims 10-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Blinn et al. (U.S. 5897622).**

In consideration of claim 10, Blinn et al. discloses: "In the page server coupled to a network, a method of providing a customized page to a user, wherein the customized page is customized according to the user's preferences,"(see Fig. 3A, Blinn et al.), " the method comprising the steps of: obtaining real-time information from information sources;" (see col. 8, lines 53-57, Blinn et al.), "storing the real-time information in a storage device;" (see col. 9, lines 4-10, Blinn et al.), "receiving, from a user and at the page server" (see col. 9, lines 14-23, Blinn et al.) "a user request for a customized page"(see col. 10, lines 6-8, Blinn et al.) "and thereafter executing a template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user" (see col. 10, lines 52-55, Blinn et al.);

“and providing the user with the customized page,” (see col. 11, lines 4-7, Blinn et al.), “wherein the customized page includes at least one item of real-time information selected from the storage device” (see col. 11, lines 16-22, Blinn et al.).

As per claim 11, the limitations of this claim have been noted in the rejection of claim 10. Applicant’s attention is directed to the rejection of claim 10 above. In addition, Blinn et al. discloses “further including prior to the step of receiving the user request the steps of caching the template program in a storage location local to the page server” (see col. 11, lines 50-56, Blinn et al.).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 10. Applicant’s attention is directed to the rejection of claim 10 above. In addition, Blinn et al. discloses “further comprising the step of receiving user preferences for the user” (see col. 11, lines 60-62, Blinn et al.), “wherein the user preferences indicate the items of interest to the user” (see col. 12, lines 63-66, Blinn et al.), “and combining the user preferences with a generic template to form the template program specific to the user” (see col. 11, lines 67 to col. 12, lines 6, Blinn et al.).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 12. Applicant’s attention is directed to the rejection of claim 12 above. In addition, Blinn et al. discloses “further including the step of providing the template program specific to the user to the page server” (see col. 14, lines 39-44, Blinn et al.).

Regarding claim 14, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Blinn et al. discloses: "wherein the page server performs the step of combining the user preferences with the generic template" (see col. 7, lines 29-38, Blinn et al.).

**4. Claim 19 stands rejected under 35 U.S.C. 102(e) as being anticipated by Gerace. (U.S. 5848396).**

Regarding claim 19, Gerace disclose: "Using a page server, a method of providing real-time responses to user requests from a plurality of users for customized pages, the method comprising the steps of:" (see col.4, lines 12-29, Gerace): "obtaining user preferences for the plurality of users, wherein a user's user preferences indicate items of interest to that user"(see col. 4, 30-36, Gerace); "obtaining real-time information from information sources" (see col. 6, lines 46-48, Gerace); "storing the real time information in a storage device" (see col. 6, lines 61-62, Gerace); "for each of the plurality of users, combining the user preferences for a specific user and a template to form a template program specific to the user at the page server" (see col. 7, lines 45-57, Gerace); "receiving, from a user and at the server, a user request for a customized page customized according to the user preferences" (see col. 7, lines 58 to col. 8, lines 12, Gerace); executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page at the page server" (see col. 8, lines 57 to col. 9, lines 5, Gerace); and "providing the user with the

customized page, wherein the steps of executing and providing are performed in real-time response to receipt of the user request in the step of receiving and wherein the customized page includes at least one item of real-time information selected from the storage device” (see col. 10, lines 9-22, Gerace).

### **5. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **6. *Claims 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. (U.S 5897622) in view of Gerace (U.S. 5848396).***

Regarding claim 15, Blinn et al discloses all the limitations of this claim have been noted in the rejection of claim 10. Applicant’s attention is directed to the rejection of claim 10 above. It is noted however, Blinn et al. did not specifically disclose the limitations of claim 15. On the other hand, Gerace discloses: “wherein the real-time information comprises stock quotes, sports scores and news headlines” (see col. 6, lines 22-40, Gerace).

Thus, having the above teaching from Gerace., it would have been *prima facie* obvious to a person of ordinary skill in the art to include the agate information includes stock information, advertisements, sports statistics, weather reports and the like in Blinn et al.’s system, thereof

would have incorporated the teachings of method relating of the dynamic page as taught by Blinn et al. The motivation being to have a dynamic page generator, in communication with the order processing module, to compose a page for display by processing a template having a request for information from the order and a database request for page data, and a database module, in communication with a database and with the order processing module and with the dynamic page generator (See Blinn et al. col. 4, lines 11-18).

Regarding claim 16, Blinn et al discloses all the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. It is noted however, Blinn et al. did not specifically disclose the limitations of claim 16. On the other hand, Gerace discloses: "further comprising a step of generating a default user configuration for the user based on demographic information of the user" (see col. 6, lines 5-7, Gerace).

Regarding claim 17, Applicant's attention is directed to the rejection of claim 16 above. It is noted however, Blinn et al. did not specifically disclose the limitations of claim 17. On the other hand, Gerace discloses: "wherein the step of generating a default user configuration comprises the steps of: determining a default list of cities for a weather report based on user demographic information" (see col. 8, lines 52-57, Gerace); "and determining one or more sports teams for sports reporting based on user demographic information" (see col. 8, lines 15-25, Gerace).

Regarding claim 18, Applicant's attention is directed to the rejection of claim 16 above. It is noted however, Blinn et al. did not specifically disclose the limitations of claim 18. On the other hand, Gerace discloses: "wherein the steps of determining comprise the steps of: obtaining user postal code information"(see col. 21, lines 41-43, Gerace); "translating the postal code information to user geographic position"(see col. 21, lines 41-49, Gerace); "comparing the user geographic position to geographic positions assigned to each city (see col. 22, lines 10-12, Gerace); and sports team (see col. 21, lines 65 to col. 22, lines 5, Gerace); "and determining a threshold distance from the user geographic position which is greater than or equal to a distance to a predetermined nonzero number of cities and a predetermined nonzero number of sports team geographic positions "(see col. 31, lines 2-7, Gerace).

## **7. Response to Applicant's Arguments**

Applicant argue: "Blinn does not disclose or suggest that the templates are specific to the user. Rather, the templates may be used for any user. Also, information specific to the user may be inputted into the template, but the template is not specific to the user". The Examiner respectfully disagrees. Blinn clearly discloses all of the claimed subject matter of the claim at issue. (See col. 4, lines 8-26, Blinn).

Applicant argues: "Gerace does not disclose or suggest that a page display object is specific to the user. Gerace only discloses a set of page display objects are used to read data stored for a user and display in a page according to presentation formats stored within the data. Thus a page display object is not specific to a user". The Examiner respectfully disagrees. Gerace clearly discloses means for a page display object is specific to a user. (See col. 7, lines 58 to col. 8, line 12, Gerace).

Applicant argues: "Gerace does not disclose or suggest that the data in the database is real-time data". The Examiner respectfully disagrees. Gerace clearly discloses means for the data in the database is real-time data. (See col. 18, lines 10-26, Gerace ).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**9. *Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*

Cindy Nguyen

October 24, 2002



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